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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,226	02/24/2000	Jeffrey L. Huckins	INTL-0270-US-(P7593)	5664
			EXAMINER	
			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 04/06/2004	

7590 04/06/2004

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/512,226

Applicant(s)

HUCKINS, JEFFREY L.

Examiner

Michael W. Hoyer

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☒ The drawing correction filed on 10 March 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments filed on 20 February 2004 have been fully considered but they are not persuasive.

Regarding independent claim 1, the Applicant argues that, "the Arsenault reference fails to teach separate transmission of two announcements regarding connection information and content description...[And] There is no teaching of sending the second announcement before any assignment of connection has been determined for the content in the Arsenault reference."

In response, the Examiner respectfully disagrees with the Applicant because the Applicant's argument that, "the Arsenault reference teaches providing information about audio-video content at the same time the actual content information becomes available", is one of several different embodiments disclosed in the Arsenault reference. Arsenault also discloses in other embodiments that the claimed "content description" or program information is supplied in advance before the local map information is generated (col. 13, lines 1-6 and col. 14, lines 12-18) as described in more detail below. In addition, the local map information may be received via other means (see col. 23, lines 14-22). The claimed said second announcement transmitted before any assignment of connection has been determined is met by the Arsenault et al reference which clearly teaches that, "two or more input data streams contain... program or content material...such as advance schedules supplied by content providers," and that, "the map generator can respond automatically or in real-time to...input data streams" (see col. 14, lines 12-21 and 27-29). Arsenault specifically teaches receiving advanced schedules transmitted by content providers and then assigning connection information through channel mapping. Moreover, the program guide information is typically updated every 2-4 seconds and is multiplexed into each broadcast frequency and the IRD will receive periodic updates of the program guide information (col. 25, lines 33-40), and local map update information may be broadcast as an appended data stream 95 to the PG information (col. 25, lines 41-49), where dynamic channel mapping through dynamic map control streams may be provided after some program guide information was already received (col. 26, lines 3-11 and 50-55), also dynamic mapping may occur at longer intervals (e.g. 15 minutes, 30 minutes, 60 minutes, see col. 23, lines 38-58). As described above, the program guide information is received in advance and updated frequently, whereas the local map information may be generated in real-time or in less frequent intervals and may be sent separate from the program information. Therefore, the content description may be transmitted before any assignment of connection has been determined for said content since dynamic local map generation is performed after the content description information is processed.

Regarding dependent claims 3, 4 and 12, the Applicant argues that, "the Yoshinobu reference fails to teach two levels of granularity or a group hierarchy... More so, there is no motivation provided in the Yoshinobu reference to modify the teachings of the Arsenault reference."

In response, the Examiner respectfully disagrees with the Applicant because the Yoshinobu reference clearly teaches a group hierarchy or at least two levels of granularity. In Figure 2, Yoshinobu discloses a hierarchy of program information comprised of programs further comprising multiple kinds of items, and in Figures 3 and 4, Yoshinobu discloses more detail within the hierarchy, where the kind of items within a program may comprise a title, sub-title, category, guest stars or actors, and other kinds of items within the program hierarchy structure. The Arsenault reference discloses program information as shown in Figure 7, where the title of a program and some additional program information is shown, but Arsenault does not clearly show a group hierarchy or at least two levels of granularity. One of ordinary skill in the art would have been led to combine the teachings of the Arsenault reference which discloses program guide information including the title or a program with the additional teachings of a hierarchy or at least two levels of granularity for the "content description" or program information as disclosed in the Yoshinobu reference for the advantage of assisting a viewer when searching the program information listed in an electronic program guide (EPG) by allowing the viewer to not only search program titles, but to further search sub-titles, categories, actors and other sub-program information contained within the program guide as taught by Yoshinobu.


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